Supreme Court, U.S.
FILED

03126 2 MAR 4 - 2004

No. OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Charles Aldrich – PETITIONER

v.

Laura Nelson – RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI
TO

The United States Court of Appeals
For the Eight Circuit
No. 03-2502

PETITION FOR WRIT OF CERTIORARI

Charles Aldrich
PRO SE Petitioner
12932 Nicollet Ave. #202
Burnsville, MN 55337
Phone: 952-846-4112

QUESTIONS PRESENTED FOR REVIEW

California Riverside County District Court through procedure satisfied and closed the child support case against Charles Aldrich. Minnesota Ramsey County District Court, over the objection of Charles Aldrich, has taken Jurisdiction and Authority of the case.

I. Does the court of origin retain authority and subject-matter jurisdiction as well as personal jurisdiction, does the authority and jurisdiction reside with the court of residence or with the with the petitioner?

II. The case was satisfied and closed in California, is this the judgment of the Forum?

III. Does Article IV section 1, Full Faith and Credit Clause of the United States Constitution, preclude Minnesota from charging and collecting child support?

IV. Should Charles Aldrich be reimbursed for money taken for child support in Minnesota?

V. Should Charles Aldrich be compensated for harm done by being forced to pay child support in Minnesota?

VI. Does the line in the letter from the California District Attorney, "You may still owe child support to her.", authorize Minnesota to charge, modify and collect child support?

VII. If a Judge refuses to hear a case, can the Judge also impose a fine for a frivolous motion that is part of the case?

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Charles Aldrich
12932 Nicollet Ave. #202
Burnsville, MN 55337
Phone: 952-846-4112
PRO SE Petitioner

Laura Nelson
24589 Cedar Pt Rd
New Prague, MN 56071
Phone: 952-758-9788
PRO SE Respondent

Darwin J. Lookingbill
Assistant Ramsey County Attorney
Attorney Registration No. 128132
Suite 560, 50 W. Kellogg Blvd.
St. Paul, MN 55102
Phone: 651-266-3072
Attorney for:
Ramsey County District Attorney
Ramsey County Office of Child Support and Collections
Ramsey County Department of Human Services

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JURISDICTIONAL STATEMENT

Appellant Charles Aldrich's complaint alleges failure to comply with Article IV section 1, Full Faith and Credit Clause of the United States Constitution.

TITLE 28, PART IV, CHAPTER 81, Sec. 1254.. Courts of appeals; certiorari; certified questions

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

Rule 10, (a) a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power;

Rule 13. 1. ...is timely when it is filed with the Clerk of this Court within 90 days after entry of the judgment. ...

Judgment of the US Court of Appeals For the Eight Circuit was entered December 10, 2003.

This petition for a writ of certiorari is filed within 90 days of Judgment entered.

STATEMENT OF ISSUES AND AUTHORITIES

STATEMENT OF THE CASE

1991 July divorce granted in Riverside County California and child support set at $679.98 per month.

1994 March Laura L. left California without prior notification to Charles A. or Riverside County District Attorney.

1994 July Laura L. applied for and was granted welfare and child support services. (Laura L. at this point is trying to collect child support in CA, WI, and MN).

1996 May 7, Charles A. called District Attorney County of Riverside CA for case information.

1996 May 7, District Attorney County of Riverside CA sent letter stating case has been paid off and closed.

1996 May, Charles A. sent a copy of District Attorney County of Riverside letter to Ramsey County Child Support and Collections and requested enforcement of order be stopped.

1997 February, Ramsey County Child Support and Collections added more than $20,000 in arrears.

1998 December Ramsey County registered the 1991 California order.

1999 April 29, a hearing was held before Administrative Law Judge Mary Madden, because Charles A. protested and contested the registration of the CA order in MN.

1999 June 29, Court order denied Charles A. motion in its entirety.

1999 November 11, Judge Edwin C. Dahlberg orders the case in Rock County WI Child Support Enforcement Office shall be expunged. Case No. 91-FA-188B.

2000 March 28, MN Court of Appeals hearing held

2000 June 23, Date of MN Court of Appeals decision June 16, 2000, orders June 29, 1999 order upheld in its entirety.

2000 July 24, Appeal to MN State Supreme Court for Review of MN Court of Appeals Decision, declined to review.

Complaint was filed 2002 December 13 in United States District Court. A hearing was held and Judgment issued 2003 April 29. A second Judgment was issued 2003 May 14. Charles Aldrich is sanctioned $2,000 for violating Rule 11 of the Federal Rules of Civil Procedure.

The Appeal was filed 2003 May 14, in compliance with Rule 4(a) of the Federal Rules of Appellate Procedure. Decision filed December 10, 2003 "Accordingly, we affirm the judgment of the district court.".

STATEMENT OF THE FACTS

When the Riverside County District Attorney, determined that Laura L. Nelson no longer lived in California, California Riverside District Court procedure was followed, resulting in the amount owed being paid off and the case closed.

Minnesota Ramsey Co. Child Support and Collections has failed to comply with the US Constitution Article IV Sec. 1 (Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.)

28 § 1738g2 Law of State of issuance of order.- In interpreting a child support order, a court shall apply the law of the State of the court that issued the order.

The Office of Child Support and Collections has only given some credit to the proceeding of CA court.

The judgment is conclusive effective March 1994, support has been paid off and case closed.

SUMMARY

Charles Aldrich, in an effort to have the Article IV section 1, Full Faith and Credit Clause of the United States Constitution, complied with, has filed to stop the charging and collecting of child support in Minnesota, recoup all money that has been collected from Charles Aldrich for child support in Minnesota, and compensation for harm done by agencies charging and collecting child support from Charles Aldrich in Minnesota.

A hearing to dismiss the case was heard by Judge Paul A. Magnuson. Magnuson charged Aldrich $2,000 for violating Rule 11(b), citing MHC Inv. Co. v. Racom Corp., 323 F .3d 620, 626 (8th Cir. 2003). **U.S. COURT OF APPEALS ELEVENTH CIRCUIT** "We therefore ***REVERSE*** the district court's Rule 11 order". Aldrich requests a reversal of the $2,000 charge.

The letter from the Riverside County District Attorney's office states "the balance owed to the Riverside District Attorney's Office has been paid off. Your case has been closed". The case has been satisfied and closed.

US Constitution Art IV, § 1, n 5. – Res judicata

Where judgment is conclusive between parties in state where rendered, it is also conclusive in all other courts in United States.

Summary of Argument

I. Letter from the California District Attorney, has seal of the District and states "The balance owed" "has been paid off. Your case has been closed".

II. The voice of the forum is "The case is paid off and closed". This precludes any other state from charging Charles Aldrich child support for the children involved.

III. Charles Aldrich should be reimbursed for all child support taken in Minnesota. The child support taken in Minnesota, was taken under false pretenses.

IV. Charles Aldrich should be compensated for harm done by Ramsey County agencies by their efforts to establish, modify, and collect child support. The agencies need to pay compensation as an incentive to comply with federal law.

V. The statement in the California District Attorney's letter, "You may still owe child support to her." Seems to have no basis in law, so cannot be a mandate for any legal action.

Argument

The United States District Court failed to reference any law which supports change of jurisdiction from California to Minnesota.

24A Am Jur 2d § 1079 Generally

At any time after the entry of a divorce decree, a court may annul, modify, or vary a child support award upon an application by either of the parties pursuant to a stature, or pursuant to a court's own authority. Once a trial court enters an original divorce decree awarding custody and support, it retains subject-matter jurisdiction as well as personal jurisdiction over the parties, even if they later move out of state. Where a court has personal and subject matter jurisdiction, it retains this authority so that it can make subsequent modification to its orders or decrees.

A court has the power to terminate payments of child support and will exercise such power in a proper case and upon a proper showing. 30. Bowman v. Bowman, 29 Cal. 2d 808 178 P. 2d 751, 170 A.L.R. 246 (1947) (abrogated on other grounds by, In re Marriage of Lippel). 51 Cal. 3d 1160, 276 Cal. Rptr. 290, 801P. 2d 1041, 5 A.L.R. 5th 1156 (1990).

24A AM Jur 2d § 1082 Effect of misconduct of custodial parent.

A court may reduce or suspend child support payments, or may vacate or terminate the support order. 64 Clayton v. Clayton, 380 So. 2d 1143 (Fla. Dist. Ct. App. 1st Dist. 1980); Cortina v. Cortina, 108 So. 2d 63 (Fla. Dist. Ct. App. 2d Dist. 1958); Gilman, 327 Mass. 143, 97 N.E. 2d 404 (1951).

Form: Order-Terminating obligation of child support and entering satisfaction of record. 8B Am Jur Pl & Pr forms (Rev), Divorce and Separation § 909

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Pg 1130; A fundamental idea of justice requires that a foreign cause of action should be adjudicated substantially in accord with the standards prevailing in the community where the events concerned transpired. Equality is equity.

Pg 1136. The situation is, in effect, that, if the action on the foreign judgment terminates favorably to the plaintiff, the judgment rendered is in all respects a judgment of the forum.

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Pg. 1140; 2. That a plaintiff, who has recovered judgment in a foreign court, which judgment has been satisfied, cannot prevail in a second action upon the same cause as against the defense of judgment satisfied.

Barber v. Lamb, 29L. J. P. (N. S.) 234 (1860). As Erie, C. J., remarked in this case (at p. 236): "It would be contrary to all principle for the party who has chosen such tribunal, and got what was awarded, to seek a better judgment in respect of the same matter from another tribunal."

This case having been effectively satisfied in Riverside County CA, before being heard in MN, should not have been heard or enforced in MN. L. Nelson and the Office of Child Support and Collections are in effect enforcing a better judgment in respect of the same matter from another tribunal.

US Constitution Amend 11 (Suits Against States),

n 36 Particular subdivisions

Where state constitution makes county liable to suit as individuals, suit against county is not within prohibition of Eleventh Amendment, which limits jurisdiction only as to suits against state. Lincoln County v Luning (1890) 133 US 529, 33 L Ed 766, 10 S Ct 363

US Constitution Amendment 11 indicates that the county agencies perpetrating these injustices against Charles A. can be sued for their actions. Because the Ramsey Co. Department of Human Services, Ramsey Co. Office of Child Support and Collections, and Ramsey County District Attorney has impeded Charles Aldrich's ability to parent in a manner Charles Aldrich deems appropriate, they have violated Charles Aldrich's civil rights as a parent.

Conclusion

Stop the enforcement of this child support case, because the case has been paid off and closed.

A judgment against Laura Nelson to recoup all that has been collected in this case in MN ($76362.49 as of 2004 February), since the case has been effectively closed before the case was opened in MN.

Vacate all charges and judgments that have been levied against Charles A. in regard to this case in MN.

A judgment against the Department of Human Services, Office of Child Support and Collections, and Ramsey County District Attorney one million dollars per child, a total of three million dollars awarded to Charles A. for violation of his civil rights as a parent.

REASONS FOR GRANTING THE PETITION

The United States Court of Appeals for the Eighth Circuit has sanctioned an order involving an important federal question which so far departs from the accepted and usual course of judicial proceedings as to call for an exercise of this Court's supervisory power. Rules of Supreme Court10 (a).

This case, is an example of a paradigm change; from the court of origin having continuing jurisdiction and authority over a case, to a court of residence having jurisdiction and authority. What this change will allow, is for cases to be repeatedly litigated until the proponent is satisfied with the results. Multiple prosecutions for the same occurrence seems to be double jeopardy.

Can a Judge accept partial jurisdiction? This seems to be another paradigm change. A Judge previously would have to accept jurisdiction of an entire case before making any ruling concerning any part of that case. Split jurisdiction of a case between multiple courts will leave litigants bewildered and confused as to who is in charge of each aspect of a case.

Conclusion

For all the foregoing reasons, Petitioner respectfully submits that the petition for writ of certiorari should be granted.

Dated: March 4, 2004

Respectfully submitted,

By: _____
Charles Aldrich
Petitioner

Appendix:

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Seal County of Riverside May 9, 1893
GROVER C. TRASK II
District Attorney

OFFICE OF
DISTRICT ATTORNEY
COUNTY OF RIVESIDE

FAMILY SUPPORT DIVISION
2781 w Ramsey, Suite 1
Banning, CA 92220

IN REPLY REFER TO:
C# 25271

MAY 7, 1996

Charles Aldrich
530 CHARLES AVE
ST PAUL MN 55103

DEAR MR. ALDRICH;

IN RESPONSE TO YOUR PHONE CALL OF 5/7/96, I HAVE REVIEWED YOUR CASE. THE BALANCE OWED TO THE RIVERSIDE DISTRICT ATTORNEY'S OFFICE HAS BEEN PAID OFF. YOUR CASE HAS BEEN CLOSED BECAUSE LAURA NO LONGER LIVES IN CALIFORNIA. YOU MAY STILL OWE CHILD SUPPORT TO HER.

IF YOU HAVE ANY OTHER QUESTIONS PLEASE CALL OUR OFFICE AT 909-849-6843.

VICKI MARIE JANIS
FAMILY SUPPORT OFFICER

STATE OF WISCONSIN CIRCUIT COURT ROCK COUNTY

In re the Matter of the Non-Support of the Dependents of:
CHARLES A. ALDRICH, JR.,
EX PARTE ORDER Case No. 91-FA-188B
Respondent IVD NUMBER 1144669

Upon reading and filing the Petition of Kenneth Goerke, Assistant Corporation Counsel for Rock County, Wisconsin, and upon the record and file herein,

IT IS HEREBY ORDERED that the Accounting Office of the Rock County Child Support Enforcement Office shall expunge all monies due and owing by Charles A. Aldrich in the above-entitled action from the child support payment records as of the date of this order.

Dated this ((written)11th) day of November, 1999.

BY THE COURT:
(s/Edwin C. Dahlberg)
Edwin C. Dahlberg
Circuit Court Judge

VERIFICATION STATE OF WISCONSIN)
) ss.
COUNTY OF ROCK)

Kenneth E. Goerke being first duly sworn deposes and says that he is the Petitioner in the above-entitled action and that he has read the said Petition and knows the contents thereof, and that he same is true of his own knowledge, except as to those matters which are therein stated on information and belief and as to those matters that he believes them to be true.

(s/Kenneth E. Goerke)
Petitioner

Subscribed and sworn to before me this ((written)5th) day of November, 1999.

(s/Danielle S. Purdy)
Notary Public, Rock County, Wisconsin
My commission expires: ((written)04/28/02)

STATE OF WISCONSIN CIRCUIT COURT ROCK COUNTY

In re the Matter of the Non-Support of the Dependents of: CHARLES A. ALDRICH, JR.,

PETITION FOR EX PARTE ORDER

Case No. 91-FA-188B

Respondent. IVD NUMBER 1144669

The Petition of Kenneth E. Goerke respectfully shows to the Court as Follows:

1. He is an Assistant Corporation Counsel for Rock County, Wisconsin, and represents the State of Wisconsin.
2. A petition and associated documents under the Uniform Reciprocal Enforcement of Support Act (URESA) WERE FORWARDED TO rock County, Wisconsin, by Riverside County, California.
3. Said documents requested the establishment of child support and stated that the case was a non-aid case.
4. Said documentation along with a summons were filed on May 20, 1991, and they were served upon Chares A. Aldrich on May 25, 1991.
5. An order was signed on August 16, 1991, and Charles A. Aldrich was ordered to pay $80.00 per week as current child support, commencing July 26, 1991.
6. A finding of fact accompanying said Order found that Charles A. Aldrich had the liability to pay current child support for the following-named children:

Child	DOB
Jessamyn Aldrich	April 15, 1987
Katherine Aldrich	December 27, 1988
Charles A. Aldrich V	March 15, 1990

7. An order was signed on May 15, 1992, and this action was dismissed. The action was dismissed because Charles A. Aldrich no longer lived in the State of Wisconsin.
8. The Rock County Child Support Enforcement Office is in possession of a letter forwarded to Charles A. Aldrich by Riverside County, California, and said letter is dated May 7, 1996.

9. Said letter states that **Charles A. Aldrich has paid all monies due and owing** to Riverside County, California, **in full**.

10. The child support payment record of the KIDS System of the State of Wisconsin show that Charles A. Aldrich owes an out –of-state child support arrearage in the sum of $3,280.00.

WEREFORE, your Petitioner requests the Court to sign an ex parte order expunging all amounts due and owing by Charles A. Aldrich from the child support records in this action as of the date of the Order.

Dated this ((written) 5th) day of November, 1999.

(s/Kenneth E. Goerke)
Kenneth E. Goerke
Assistant Corporation Counsel
Attorney for State of Wisconsin
State Bar #01011651

RAMSEY CO CHILD SUPPORT COLLECTIONS
RAMSEY COUNTY GOV'T CTR W 123CS176
50 KELLOGG BLVD W STE 415
ST PAUL MN 55102-1483

C0711634
CHARLES A ALDRICH
530 CHARLES AVENUE
ST. PAUL MN 55103

STATEMENT REFLECTS PAYMENT RECEIVED BY 02/01/97, STATEMENT DATE **02/01/97**

PAYMENTS RECEIVED SINCE LAST STATEMENT 941.50

UNPAID BALANCE * AS OF 02/01/97 6,157.02

CURRENT MONTHLY OBLIGATION 679.98

OTHER PAYMENTS DUE ON ARREARS .00

* OF THIS AMOUNT $ .00 REPRESENTS UNPAID INTEREST

MINIMUM DUE 679.98 OR

TOTAL BALANCE DUE **6,837.00**

ARREARS OF $1000.00 MAY BE REPORTED TO A CONSUMER REPORTING AGENCY

FOR INFORMATION OR AN APPOINTMENT CALL: SAREEN STEWARD 612-266-3324

PLEASE REMIT THIS PORTION WITH YOUR PAYMENT

C0711634

PAYEE 01392473 LAURA L ALDRICH

PAYOR 11945981 CHARLES A ALDRICH

PLEASE MAKE PAYMENT PAYABLE TO COUNTY IDENTIFIED BELOW:

$ PLEASE WRITE AMOUNT OF PAYMENT ENCLOSED

RAMSEY CO CHILD SUPPORT/COLLECTIONS
RAMSEY COUNTY GOV'T CTR W
50 KELLOGG BLVD W STE 415
ST PAUL MN 55102-1483

C071163411945981000006799 8

RAMSEY CO CHILD SUPPORT COLLECTIONS
RAMSEY COUNTY GOV'T CTR W 123CS176
50 KELLOGG BLVD W STE 415
ST PAUL MN 55102-1483

C0711634
CHARLES A ALDRICH
530 CHARLES AVENUE
ST. PAUL MN 55103

STATEMENT REFLECTS PAYMENT RECEIVED BY 03/01/97, STATEMENT DATE **03/01/97**

PAYMENTS RECEIVED SINCE LAST STATEMENT 753.20

UNPAID BALANCE * AS OF 02/01/97 28,097.65

CURRENT MONTHLY OBLIGATION 679.98

OTHER PAYMENTS DUE ON ARREARS .00

* OF THIS AMOUNT $ .00 REPRESENTS UNPAID INTEREST

MINIMUM DUE 679.98 OR

TOTAL BALANCE DUE **28,777.63**

ARREARS OF $1000.00 MAY BE REPORTED TO A CONSUMER REPORTING AGENCY

FOR INFORMATION OR AN APPOINTMENT CALL: SAREEN STEWARD 612-266-3324

PLEASE REMIT THIS PORTION WITH YOUR PAYMENT

C0711634

PAYEE 01392473 LAURA L ALDRICH

PAYOR 11945981 CHARLES A ALDRICH

PLEASE MAKE PAYMENT PAYABLE TO COUNTY IDENTIFIED BELOW:

$ PLEASE WRITE AMOUNT OF PAYMENT ENCLOSED

RAMSEY CO CHILD SUPPORT/COLLECTIONS
RAMSEY COUNTY GOV'T CTR W
50 KELLOGG BLVD W STE 415
ST PAUL MN 55102-1483

C0711634119459810000067998

((stamped)FILED
RIVERSIDE COUNTY
JUL 31 1991 (s/RI)
ARTHUR A. SIMS, Clerk
By (s/R. Costro) R. Costro Deputy)
CASE NUMBER D101816
Laura Lea Aldrich PRO (714) 922-9009
256 W. LINCOLN STREET
BANNING, CA 92220
ATTORNEY FOR (Name) PETITIONER PRO PER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
STREET ADDRESS 4164 BROCKTON AVENUE
MAILING ADDRESS PO BOX 431
CITY AND ZIP CODE RIVERSIDE, CA. 92502-0431
BRANCH NAME RIVERSIDE
MARRIAGE OF PETITIONER: LARUA LEA ALDRICH
RESPONDENT: CHARLES A. ALDRICH, JR.
JUDGMENT [X] Dissolution
Date marital status ends: 10-14-91

1. This proceeding was heard as follows: [X] default or uncontested [X] by declaration under Civil Code, § 4511
   a. Date (stamped/ JUL 31 1991) Dept (written/F1)
   b. Judge (name): (stamped/PATRICK F. MAGERS
2. The court acquired jurisdiction of the respondent on (date): 4-13-91 [X] Respondent was served with parocess
3. THE COURT ORDERS, GOOD CAUSE APPEARING:
   a. [X] Judgment of dissolution be entered. Marital status is terminated and the parties are restored to the status of unmarried persons
      (1) [X] on the following date (specify): 10-14-91

PROPOSED JUDGMENT ALDRICH VS. ALDRICH ET AL.
CASE #D 101816

1. Parties have disposed of all assets and all obligations without the assistance of the court.
2. Petitioner waives, spousal support forever.

3. petitioner to have sole physical and legal custody of minors:

JESSAMYN A. ALDRICH born 4-15-87, KATHARINE R. ALDRICH born 12-27-88, CHARLES A. ALDRICH born 3-15-90.

4. Respondent to have reasonable visitations with minor children.
5. Respondent to pay to the petitioner for child support the sum of $ 226.66 per month per child payable _ on the 1st and 2nd on the 15th day of each month until said minor children reaches the age of 18 years, marries, dies, is emancipated or further order of the court, commencing 8-1-91
6. Neither party to disturb the peace of the other party.

I, Laura Lea Aldrich, petitioner, state I have read the proposed judgment and I, agree with form and content thereof.

Dated: 5-30-91 (s/Laura L. Aldrich)

Laura Lea Aldrich, Petitioner Pro Per

GOOD CAUSE APPEARING. IT IS SO ORDERED.

Dated: (stamped/JUL 31 1991) (s/Patrick F Magers)

JUDGE OF THE SUPERIOR COURT

Doc ID: 123CS1020001070
RAMSEY COUNTY CHILD SUPPORT & COLLECTIONS
RAMSEY COUNTY GOVERNMENT CTR W
50 KELLOGG BLVD W STE 415
ST PAUL, MN 55102-1483
Telephone: (651) 266-3100

CHARLES A. ALDRICH
530 CHARLES AVENUE
12/15/1998 ST PAUL, MN 55103

RE: Charles A. Aldrich vs Laura L. Aldrich
Notice of Registration for Modification Under the Uniform Interstate Family Support Act (UIFSA)

If you ask, we will give you this information in another form, such as Braille, large print, or audiotape.

Purpose: This notice tells you that a support order is registered for modification. This means that the support order is registered and the process to change the order will begin.

Registration: This for is official notice that the support order issued by Riverside County County, California on 07/31/1991 is registered for modification under UIFSA. This means that Minnesota has continuing, exclusive jurisdiction over the order. A copy of the registered order and other related documents are enclosed.

Outcome: You have a right to challenge the confirmation of this order. If you do not challenge the confirmation by twenty days from the mailing date, the order will be confirmed. This mans you cannot challenge the enforcement of the order. The arrears of $25126.73 are also registered.

Enforcement: Once the Riverside County County, California order is confirmed, it will be enforced with the same enforcement tools as a Minnesota order. This means that the Minnesota laws about income withholding, tax offsets, judgments, license suspension, and contempt will be used to enforce this order.

Modification: You will be served with a Proposed Order. The Proposed Order will state the planned change to your child support obligation.

CHARLES A. ALDRICH
530 CHARLES AVENUE
ST PAUL, MN 55103

DOC ID: 123CS1800002857

RAMSEY COUNTY CHILD SUPPORT AND COLLECTIONS
RAMSEY COUNTY GOVERNMENT CTR W
50 KELLOGG BLVD W STE 415
ST PAUL, MN 55102-1483
Telephone: (651) 266-3100
12/28/1998

RE: Laura L. Aldrich vs. Charles A. Aldrich
Case: 000139247301

Request for Contested Administrative Proceeding on Order Registered under the Uniform Interstate Family Support Act (UIFSA)
If you ask, we will give you this information in another form, such as Braille, large print, or audiotape.

Request for Hearing: I request a hearing about the registration of a child support order. I am requesting a hearing because (check all that apply):
(X) The issuing tribunal did not have personal jurisdiction over me.
(X) The order was obtained by fraud.
(X) The order has been vacated, suspended or modified by a later order
(X) The issuing tribunal has stayed its order pending an appeal.
(X) The arrears are wrong.
Important Note: Issues dealing with visitation are not a defense against the registration of a support order.
(s/Charles A Aldrich) (written/28 DEC 98)
Signature of Charles A. Aldrich Date

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-2502

Charles A. Aldrich, Appellant,	*	
	*	Appeal from the United States
v.	*	District Court for the
	*	District of Minnesota.
Laura L. Nelson; Department of Human Services; Office of Child Support and Collections Appellees.	*	[UNPUBLISHED]

Submitted: November 4, 2003
Filed December 10, 2003

Before RILEY, McMILLIAN, and SMITH, Circuit Judges.

PER CURIAM.

Charles A. Aldrich appeals from the district court's (The Honorable Paul A. Magnuson, United States District Court Judge for the District of Minnesota.) dismissal of his civil action arising out of Aldrich's child-support obligations, and the court's imposition of Federal Rule of Civil Procedure 11 sanctions.

Upon de novo review, we affirm the district court's dismissal for lack of subject matter jurisdiction for the reasons that the district court explained, see Lemonds v. Louis County, 222 F.3d 488, 492-93 (8th Cir. 2000), cert. denied, 531 U.S. 1183 (2001), and we find no abuse of discretion in the imposition of Rule 11 sanctions given the frivolousness of this lawsuit.

Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47B.

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

Charles A. Aldrich, Civ. File No. 02-4789 (PAM/RLE)
Planintiff,

vi. ORDER

Laura L. Nelson, Ramsey County
Department of Human Services,
Office of Child Support and Collections,
District Attorney,

Defendant.

This matter come comes before the Court on Defendant Laura L. Nelson's Motion to Dismiss and Motion for Appointment of Counsel. In addition, Plaintiff Charles Aldrich moves this Court to Dismiss the Counterclaim. For the reasons below, the Court grants Defendant's motion to Dismiss, awards Nelson attorney's fees and costs, and orders Aldrich to show cause why Rule 11 sanctions should not be imposed against him. The Court denies the remaining Motions.

BACKGROUND

Nelson and Aldrich were previously married. They divorced in 1991 and a California judgment set Aldrich's child support obligation. After moving to Minnesota, Nelson sought to register the California child support judgment in Minnesota. Aldrich opposed this and claimed that he had paid his debts in full. Despite these objections, and Administrative Law Judge registered the California decree, along with substantial arrearages, in December 1998. After Aldrich appealed, the Ramsey County District Court affirmed the decision on June 16, 2000. The Minnesota Supreme court declined to review the matter.

Aldrich brought suit in this Court to enjoin the collection of child support payments under the Full Faith and Credit Clause of the Constitution. In response, Nelson filed an Answer, a Counterclaim, a Motion to Dismiss, and a Motion for Appointment of Counsel.

DISCUSSION

A. The Rooker-Feldman Doctrine

The holdings in Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923) and District of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983), divest the Court of subject matter jurisdiction in this case. The Rooker-Feldman doctrine prohibits federal courts, other than the Supreme Court, from hearing challenges to state court judgments. Lemonds v. St Louis County, 222 F.3d 488, 492 (8th Cir. 2000). Clarifying the doctrine, the Eight Circuit has explained t6hat "[a] general federal claim is inextricably intertwined with a state court judgment 'if the federal claim succeeds only to the extent that the state court wrongly decided the issue before it.'" Ace Constr. v. City of St. Louis, 263 F.3d 831, 833 (8th Cir. 2001) (quoting Lemonds, 222 F.3d at 493).

The Complaint in this case seeks the following relief: (1) that the Court "stop the enforcement of this child support case;" (2) a judgment against Nelson for the amount of money collected as of August 2002; (3) "[v]acate all charges and judgments that have been levied against Charles A. in regard to this case in MN;" and (4) a judgment of $3 million against Ramsey county for violation of his parental rights. To grant any of these requests, the Court would have to review and reverse the Ramsey County Court's earlier ruling. Therefore, the Rooker-Feldman doctrine bars the recovery that Aldrich seeks.

B. Counterclaim and Rule 11 Sanctions

The Court construes Nelson's Counterclaim as a motion for attorneeys' fees and costs related to the instant case. This Court has no jurisdiction to award fees and costs for litigation in state court. To the extent that Nelson's Motion requests these costs also, it is denied. However, the Motion for attorneys' fees and costs in this case is granted. Nelson should submit to the Clerk of Court a comprehensive list of the costs and attorneys' fees that she incurred in relation to this litigation.

The court next considers Rule 11 sanctions against Aldrich. See MHC Inv. Co. v. Racom Corp., 323 F.3d 620,628 (8th Cir. 2003) (affirming lower court's sua sponte imposition of $25,000 sanction against law firm for filing of frivolous claim).

Rule 11 of the Federal Rules of Civil Procedure contemplates sanctions when a party brings frivolous claims designed to harass or cause unnecessary delay. Fed. R. Civ. P. 11 (b)(1), (2). The Rule also instructs courts on the appropriate procedure to follow when imposing sanctions sua sponte. Fed. R. Civ. P. 11(c)(1)(B).

In this case, Aldrich has repeatedly sought to avoid paying child support to his exwife. His Complaint merely repeats the unavailing arguments that he made before the Administrative Law Judge. He made the identical points before the Ramsey County Court and was again rejected. The Court believes that sanctions are necessary to deter Aldrich from filing and making frivolous legal arguments in an effort to delay paying the child support that he owes. Further, the Court finds that $2000 would provide a sharp deterrent, without over-burdening Aldrich. Therefore, pursuant to Rule 11, Aldrich is orderd to show cause why he should not be sanctioned $2000 pursuant to Rule 11(b).

CONCLUSION

Plaintiff's claims are barred by the doctrine of Rooker-Feldman. Accordingly, after review of the record, files and proceedings herein, **IT IS HEREBY ORDERD** that:

1. Defendant's Amended Motion to Dismiss (Clerk Doc. No 11) is **GRANTED**;
2. Defendant's Amended Counterclaim, construed as a motion for attorneys' fees (Clerk Doc. No.11) is **GRANTED**;
3. Within 10 days of the date of this Order, Plaintiff shall show cause why he should not be sanctioned $2000 for violating Rule 11 of the Federal Rules of Civil Procedure; and
4. All remaining Motions are **DENIED as moot**.

LET JUDGMENT BE ENTERED ACCORDINGLY

Dated April 29, 2003

"s/Paul A. Magnuson"

Paul A. Magnuson

United States District Court Judge

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Charles A. Aldrich, Civ. File No. 02-4789 (PAM/RLE)
Planintiff,

v. ORDER

Laura L. Nelson, Ramsey County
Department of Human Services,
Office of Child Support and Collections,
District Attorney,
Defendant.

This matter comes before the Court on this court's sua sponte consideration of sanctions against Plaintiff pursuant to Rule 11 of the Federal Rules of Civil Procedure. In its previous Order, the Court demanded that Plaintiff show cause why he has not violated Rule 11(b). Specifically, the Court contemplated sanctioning Plaintiff in the amount of $2000 to deter him from filing and making frivolous legal arguments in an effort to delay paying the child support that he woes. In response, Plaintiff filed a response to the Court's Judgment, stating that his action was not frivolous because existing law and evidentiary support favored his claim. The Court disagrees and finds that Plaintiffs are not supported by fact or law. See MHC Inv. Co. v. Racom Corp., 323 F.3d 620, 626 (8th Cir. 2003).

Case law does not support Plaintiff's action. Plaintiff opposed the registration in Minnesota of a California child support judgment against him, claiming that he had paid his debts in full. Despite these objections, an Administrative Law Judge registered the California decree, along with substantial arrearages, in December 1998. after Plaintiff appealed, the Ramsey County District Court affirmed the decision on June 16, 2000. The Minnesota Supreme Court declined to review the matter. Plaintiff then brought suit in this Court to enjoin the collection of child support payments under the Full Faith and Credit Clause of the Constitution. However, rather than bar the registration of a California court's judgment against Plaintiff,

the Full Faith and Credit Clause of the Constitution mandates that Minnesota recognize and give effect to the judgment. In addition, the Court's previous Order held that the Rooker-Feldman doctrine precludes the recovery sought by Plaintiff. See Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923) and District of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983) (divesting courts of jurisdiction where Plaintiff seeks to overturn a state court decision).

Plaintiff's case is also not supported by any evidence. Plaintiff relies on a letter sent to him by the Riverside Count District Attorney's Office in California. This letter states that "the balance owed to the Riverside District Attorney's Office has been paid off. Your case has been closed because Laura no longer lives in California. You may still owe child support to her." The letter offers no support for Plaintiff's contention that the Full Faith and Credit Clause, or any other legal theory, relieves him of his duty to pay child support. Instead, the letter states the very opposite, notifying Plaintiff that he may still owe child support. Therefore, the only piece of evidence that Plaintiff refers to does not support his claim. Nor does it show that the instant lawsuit has any merit. On the contrary, the evidence establishes that Plaintiff's case is frivolous and designed to delay the payment of child support.

Finally, and most compelling, Plaintiff's lawsuit is exposed as a violation of Rule 11(b) by the very ages of Plaintiff's children. Plaintiff's pattern of filing frivolous legal actions to avoid his obligations to his children do not wrong his former spouse. Nor do they in any way harm this Court, or the states of Minnesota or California. Rather, Plaintiff's repeated attempts to ignore the duties of parenthood only cause further harm to his children.

For the foregoing reasons, the Court imposes sanctions against Plaintiff to deter him from pursuing frivolous legal claims in an attempt to avoid or delay payment of child support to his children. Accordingly, after a thorough review of the record, files and proceedings herein, **IT IS HEREBY ORDERED THAT**:

1. Plaintiff is sanctioned $2000 for violating Rule 11 of the Federal Rules of Civil Procedure;
2. The $2000 payment is due to the Clerk of Court on or before June 13, 2003; and
3. If unable to remit the entire payment, Plaintiff must file with the Court a request for an alternative payment plan on or before May 26, 2003.

Dated May 14, 2003

"s/Paul A. Magnuson"
Paul A. Magnuson
United States District Court Judge

(stamped) JUL 28 1998
(stamped) FILE JUL 02 1999 By (s/ +b),Deputy
OFFICE OF ADMINISTRATIVE HEARINGS
FILED WITH THE STATE OF MINNESOTA
COUNTY OF RAMSEY SECOND JUDICIAL DISTRICT
CASE TYPE: SUPPORT

State of Minnesota
Regarding the Parties:
Laura L. Aldrich
n/k/a Laura L. Nelson,
Petitioner,
Charles A. Aldrich Court
Respondent

FINDINGS OF FACT, and
File No. F4-98-3319
IV-D Case No. 0001392473-01

Definitions: The County means Ramsey County. The State means the State of Minnesota. The Obligee means Laura Nelson. The Obligor means Charles Aldrich.

The above-entitled matter came on for hearing before Mary Madden, presiding Administrative Law Judge in Ramsey County, on April 29, 1999. The record closed on May 27, 1999. Appearances were as follows: The Obligor was present, and was represented by Lynn Wolters, 5001 W. 80th Street, Suite 745, Bloomington, MN 55437. The Obligee was present, and was not represented by counsel. Patricia Frank, Assistant Ramsey County Attorney, appeared on behalf of Ramsey County.

The Administrative Law Judge upon reviewing the files, affidavits and proceedings herein, and upon hearing the testimony presented, and being full advised, does hereby make the following:

STATEMENT OF THE ISSUE

The issue in this case is whether the Obligor has established a defense to support his contest of the validity and enforcement of a child support order issued by the State of California, County of Riverside, pursuant to Minn. Stat. §518C, et. al.

FINDINGS OF FACT

1. The Obligor is not a member of the Armed Services.
2. The Obligor's mailing address is 530 Charles Avenue, St. Paul, MN 55103.
3. The Obligee's mailing address is 1472 Woodhill Road, Burnsville, MN 55337.
4. The parties were divorced by Judgment and Decree dated July 31, 1991, in Riverside County, California. The parties are the parents of the following minor children:
   Jessamyn Aldrich, born April 15, 1987;
   Katharine Aldrich, born December 17, 1988; and
   Charles Aldrich, born March 15, 1990

who reside with the Obligee.

4. The California decree ordered the Obligor to pay child support in the amount of $266 per month.
5. The Obligor moved to Minnesota in November 1994. The Obligee moved to Minnesota in September 1995. At some point after the Obligor moved to Minnesota, the County began efforts to collect the Obligor's child support obligation as set forth in the California Decree.
6. On December 15, 1998, the parties were served by certified mail with a Notice of Registration for Modification of the California decree under the Uniform Interstate Family Support Act (UIFSA).
7. The Obligor contests the validity and the enforcement of the registered decree, and a hearing was scheduled.
8. The Obligor also served and filed a motion on April 12, 1999, requesting the following relief:
   a. restrain registration of the California decree;
   b. reserve the issue of child support until the Obligor is employed, or in the alternative, setting child support based on minimum wage;
   c. restrain collection efforts for child support alleged arrearages owed under the California decree, or in the alternative, requiring the Obligee to provide an accounting for the arrearages, or reducing the amount of the arrearages; and

d. award the Obligor attorney's fees incurred in bringing his motion.

4. The Obligor was unemployed at the time of the hearing, and his unemployment benefits had recently been terminated.
5. At the time the Notice of registration was served, the Obligor had child support arrearages pursuant to the California decree in the amount of $25,126.73.
6. The Obligor stated in both his supporting affidavit, and at the hearing that he will submit to the jurisdiction of the State of Minnesota for purposes of commencing a new action to determine his ongoing child support obligation. However, the Obligor does not want the California decree registered for purposes of enforcement and collections of his child support arrearages, arguing that the California order was rendered invalid by operation of law several years ago. (Pursuant to Minn. Stat. §518C, et. seq., the California decree is already registered. The Obligor is actually contesting the confirmation of the registration.)
7. The Obligor testified that the Obligee concealed the minor children from him when she suddenly moved from California in March 1994. The Obligee testified that she left California to escape domestic abuse, and that she told the Obligee that she was moving to Utah. The obligee then moved to Wisconsin where she lived for one month, and then took the children to reside with the Obligor's mother in Wyoming for six weeks. The Obligor visited the children in Wyoming. The Obligee then moved to Utah where she resided until September 1995, when she moved to Minnesota.
8. The Obligor argues that under California case law, specifically, Damico v. Damico, 872 P.2d 126 (Cal. 1994), when a party conceals a child, the noncustodial parent's support obligation is automatically terminated. Therefore, the Obligee is estopped from collecting child

support arrearages that have accrued under the California decree.

9. Not only are the facts of Damico are quite dissimilar to the present case, based on the testimony presented at the hearing it does not appear that the Obligee "concealed" the children from the Obligor. Additionally, subsequent California case law, specifically, Comer v. Comer, 927 P.2d 265 (Cal. 1996), clarifies that the facts of this case do not create a defense for collection of child support arrearages. The Obligor also argues that Comer has no bearing in the present case because his child support obligation has already been terminated under Damico.
10. In support of his position, the Obligor provided a copy of a letter to him froma Family Support Officer of the Riverside County District Attorney's Office, dated May 7, 1996. The Obligor stated in his affidavit that this letter informed him that "all child support orders were satisfied and closed and no child support order was in effect." In fact, the May 7, 1996 letter stated:

    > In response to your phone call of May 7, 1996, I have reviewed your case. The balance owed to the Riverside District Attorney's Office has been paid off. Your case has been closed because Laura no longer lives in California. You may still owe child support to her.

4. It Appears that this letter simply informs the Obligor that the parties' case in the child support and collections office was closed because the Obligee no longer resided in California. It is would be unlikely for California to continue to provide support and collection services if the Obligee did not reside in the state. The Obligor's interpretation that this letter meant there was no existing child support order is incorrect.
5. The Obligor stated in his affidavit that he has attempted to address the child support arrearage issue in California, but has been told that he could not because "their file was closed and he was not a resident and could not open

a closed file." Based on the Obligor's argument that his child support obligation was automatically terminated under case law, it is not plausible that either child support arrearages would continue to accrue, or that the Obligor would not be able to bring a motion in his California dissolution action to address this issue.

6. The parties indicated at the hearing that there was a child support hearing in California in September 1991. However, neither party recalls the details of the hearing, and apparently, there was no order issued from that hearing.
7. Despite the California case law that the Obligor has argued applies in this case, this matter is governed by Minn. Stat. §518C, et. seq. Minn. Stat. §518C.607, subd. (a) states:

> A party contesting the validity of enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses:
>
> ...
>
> (3) the order has been vacated, suspended, or modified by a later order;
>
> ...

4. Under Minnesota's UIFSA statute, the Obligor has the burden to show that the July 31, 1991 California decree was vacated, suspended, or modified by a later order. The Obligor has produced no such order, and has not met his burden of proof.
5. As indicated above, the Obligor is willing to submit to the jurisdiction of the State of Minnesota for purposes of commencing a new action to determine his ongoing child support obligation. However, the California decree is the controlling child support order at this time. UIFSA was enacted for the purpose of preventing multiple, and potentially contradictory support orders. Therefore, Minnesota is unable to commence a new proceeding to review and determine the appropriate amount of the

Obligor's child support obligation outside of the procedures set forth in Minn. Stat. §518C, et. seq.

6. The Obligor's Motion requests that the issue of ongoing child support obligation be reserved until he becomes employed, or in the alternative, that it be based on his ability to earn minimum wage. It appears that this request is made on the assumption that Minnesota will commence a new child support action to determine his ongoing child support obligation. As stated above, Minnesota is unable to commence a new child support proceeding. However, because the California decree is now registered in Minnesota, it may be modified pursuant to Minn. Stat. §518C, et. seq. These motions must be addressed in a modification proceeding.
7. The Obligor's motion also requests that collection efforts for the child support arrearages that have accrued under the California decree be restrained, or in the alternative, that the Obligee provide an accounting for the arrearages, or that the amount of the arrearages be reduced. As indicated above, the Obligor has provided no evidence that the child support arrearages are not owed. If the Obligor believes that the child support arrearages have been incorrectly calculated, it is his burden to demonstrate that they have been incorrectly calculated. The Obligor also presented no evidence to establish any basis why his child support arrearages should be reduced.
8. Finally, the Obligor has requested an award of attorney's fees. There is no basis for an award of attorney's fees to the Obligor.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS OF LAW

1. The Administrative Law Judge has jurisdiction in this matter pursuant to Minn. Stat. § 518.5511, subd. 4.

2. Pursuant to Minn. Stat. §518C.607, it is appropriate to confirm registration of the July 31, 1991 California Judgment and Decree.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Administrative Law Judge makes the following:

1. The Obligor's motion is denied in its entirety.
2. Registration of the July 31, 1991 California Judgment and Decree is confirmed.
3. All other provisions of priors order remain in full force and effect. This order does not modify orders or decrees issued from California, or another state or Minnesota counties. The California decree may be modified in the future pursuant to Minn. Stat. §518.64.
4. All payments ordered pursuant to the California decree shall be immediately withheld by the Obligor's present and future employer(s) or other payor(s) of funds in accordance with Minn. Stat. § 518.6111.
5. Until income withholding takes effect, all payments should be made payable and sent to:

   MN Child Support Payment Center
   P.O. Box 64326
   St. Paul, Minnesota 55164
6. If support payments are not paid when due, the Obligor's employer(s) or payor(s) of funds shall withhold from the Obligor's income, and additional amount of 20% of the monthly child support until the arrearage is paid in accordance with Minn. Stat. § 518.6111
7. The child support payments shall continue until the children covered by the order reach the age of 18, or age 20 if still in secondary school; become emancipated, marry, join the armed forces, die: or until further order.
8. The attached Appendix A is incorporated and made a part of this order. The cost-of-living adjustment will be determined by using the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for all urban consumers (CPI-U).

9. Service of a copy of the final order shall be made upon the parties by first class U.S. mail at the last known address for both parties, or upon their attorney's, which shall be due and proper service for all purposes.
10. Unless otherwise ordered, all parties shall notify the other party, the Court, and the County Child Support Office of the following within 10 days of any change: their residential and mailing address, telephone number, driver's license number, social security number and name, and name, address, and telephone number of employer. Any later actions brought or notices sent in this case for which personal service is not required may be sent to the address given for the arties in the Findings of Fact, or to the most recent address provided by the parties to the County.

IT IS SO ORDERED.

"s/Mary Madden"
MARY MADDEN
Administrative Law Judge

Dated: June 29, 1999

APPENDIX A

NOTICE IS HEREBY GIVEN TO THE PARTIES:

1. PAYMENTS TO PUBLIC AGENCY.
   According to Minnesota Statutes, section 518.551, subdivision 1, payments ordered for maintenance and support must be paid to the public agency responsible for child support enforcement as long as the person entitled to receive the payments is receiving or has applied for public assistance or has applied for support and maintenance collection services. MAIL PAYMENTS TO: MN Child Support Payment Center, P.O. Box 64326, St. Paul, MN 55164-0326.
2. DEPRIVING ANOTHER OF CUSTODIAL OR PARENTAL RIGHTS – A FELONY.
   A person may be charged with a felony who conceals a minor child or takes, obtains, retains, or fails to return a

minor child from or to the child's parent (or person with custodial or visitation rights), according to Minnesota Statutes, section 609.26. A copy of that section is available from any district court clerk.

3. RULES OF SUPPORT, MAINTENANCE, VISITATION.
    a. Payment of support or spousal maintenance is to be as ordered, and the giving of gifts or making purchases of food, clothing, and the like will not fulfill the obligation.
    b. Payment of support must be made as it becomes due, and failure to secure or denial of rights of visitation in NOT an excuse for nonpayment, but the aggrieved party must seek relief through a proper motion filed with the court.
    c. Nonpayment of support is not grounds to deny visitation. The party entitled to receive support may apply for support and collection services, file a contempt motion, to obtain a judgment as provided in Minnesota Statutes, section 548.091.
    d. The payment of support or spousal maintenance takes priority over payment of debts and other obligations.
    e. A party who accepts additional obligations of support does so with the full knowledge of the party's prior obligation under this proceeding.
    f. Child support or maintenance is based on annual income, and it is the responsibility of a person with seasonal employment to budget income so that payments are made throughout the year as ordered.
    g. If there is a layoff or pay reduction, support may be reduced as of the time of the layoff or pay reduction if a motion to reduce the support is served and filed with the court at that time, but any such reduction must be ordered by the court. The court is not permitted to reduce support

retroactively, except as provided in Minnesota Statutes, section 518.64, subdivision 2, paragraph (c).

h. Reasonable visitation guidelines are contained in Appendix B, which is available from the court administrator.

4. PARENTAL RIGHTS FROM MINNESOTA STATUTES, SECTION 518.17, SUBDIVISION 3.

Unless otherwise provided by the court:

a. Each party has the right of access to, and to receive copies of, school, medical, dental, religious training, and other important records and information about the minor children. Each party has the right of access to information regarding health or dental insurance available to the minor children. Presentation of a copy of this order to the custodian of a record or other information about the minor children constitutes sufficient authorization for the release of the record or information to the requesting party.

b. Each party shall deep the other informed as to the name and address of the school of attendance of the minor children. Each party has the right to be informed by school officials about the children's welfare, educational progress and status, and to attend school and parent teacher conferences. The school is not required to hold a separate conference for each party.

c. In case of an accident or serious illness of a minor child, each party shall notify the other party of the accident or illness, and the name of the health care provider and the place of treatment.

d. Each party has the right of reasonable access and telephone contact with the minor children.

5. WAGE AND INCOME DEDUCTION OF SUPPORT AND MAINTENANCE.

Child support and/or spousal maintenance may be withheld from income, with or without notice to the person obligated to pay, when the conditions of Minnesota Statutes, section 518.6111 have been met. A copy of those sections is available from any district court clerk.

6. CHANGE OF ADDRESS OR RESIDENCE.
Unless otherwise ordered, each party shall notify the other party, the court, and the public authority responsible for collection, if applicable, of the following information within ten days of any change: the residential and mailing address, telephone number, driver's license, social security number, and name, address, and telephone number of the employer.
7. COST OF LINING INCREASE OF SUPPORT AND MAINTENANCE.
Child support and/or spousal maintenance may be adjusted every two years based upon a change in the cost of living (using Department of Labor, Consumer Price Index Mpls-St. Paul, for all urban consumers (CPI-U), unless otherwise specified in this order) when the conditions of Minnesota Statutes, section 518.641, are met. Cost of living increases are compounded. A copy of Minnesota Statutes, section 518.641, and forms necessary to request or contest a cost of living increase are available from any district court clerk.
8. JUDGMENTS FOR UNPAID SUPPORT; INTEREST.
If a person fails to make a child support payment, the payment owed becomes a judgment against the person responsible to make the payment by operation of law on or after the date the payment is due, and the person entitled to receive the payment or the public agency may obtain entry and docketing of the judgment WITHOUT NOTICE to the person responsible to make the payment under Minnesota Statutes, section 548.091. Interest begins to accrue on a payment or installment of child support whenever the unpaid amount due is greater than

the current support due, according to Minnesota Statutes, section 548.091, subdivision 1a.

9. JUDGMENTS FOR UNPAID MAINTENANCE.
   A judgment for unpaid spousal maintenance may be entered when the conditions of Minnesota Statutes, section 548.091, are met. A copy of that section is available from any district court clerk.
10. ATTORNEY FEES AND COLLECTION COSTS FOR ENFORCEMENT OF CHILD SUPPORT.
    A judgment for attorney fees and other collection costs incurred in enforcing a child support order will be entered against the person responsible to pay support when the conditions of Minnesota Statutes, section 518.14, subdivision 2, are met. A copy of that section and forms necessary to request or contest these attorney fees and collection costs are available from any district court clerk.
11. VISITATION EXPEDITER PROCESS.
    On request of either party or on its own motion, the court may appoint a visitation expediter to resolve visitation disputes under Minnesota Statutes, sections 518.1751. A copy of that section and a description of the expeditor process is available from any district court clerk.
12. VISITATION REMEDIES AND PENALTIES.
    Remedies and penalties for wrongful denial of visitation rights are available under Minnesota statutes, section 518.175, subdivision 6. These include compensatory visitation; civil penalties; bond requirements; contempt; and reversal of custody. A copy of that subdivision and forms for requesting relief are available from any district court clerk.

(revised 8/1/97)

(s/Jean Pat) ((stamped) FILED AUG 13 1999 by_Deputy AUG 18 1999)

STATE OF MINNESOTA DISTRICT COURT
COUNTY OF RAMSEY SECCND JUDICIAL DISTRICT
FAMILY COURT DIVISION
Court File No. 62-F4-98-3319

In Re the Marriage of :
Laura Lea Aldrich,
n/k/a Laura Lea Nelson,
Petitioner,
and
Charles A. Aldrich
Respondent.

ORDER

This matter was submitted for review pursuant to Rule 22 of the Interim Expedited Child Support Process Rules. Respondent by his attorney, Lynn A. Wolters, Esp. seeks review of the Order of the Honorable Mary Madden, Administrative Law Judge dated June 29, 1999. The respondent did not file a memorandum or supporting papers in connection with his motion. Petitioner did not file a memorandum or supporting papers.

Based upon the entire record: It is Ordered that:

ORDER

1. As to Paragraph 5 on Page 2 of the Findings, the finding is affirmed, without change.
2. as to Paragraph 2 on Page 4 of the Findings, the finding is affirmed, without change.
3. The mailing of this Order to counsel shall constitute notice of entry for all purposes.
3. The attached Memorandum is a made a part hereof.

BY THE COURT:
Dated Aug. 13 , 1999
(s/James H. Clark, Jr)

JAMES H. CLARK, JR

Memorandum

Facts: This Court finds the credible evidence establish the following facts:

1. The parties were divorced by Judgment and Decree dated July 31, 1991 in Riverside County California.
2. The Parties are the parties of the following minor children:
   Jessamyn Aldrich, DOB April 15, 1987;
   Katherine Aldrich, DOB December 17, 1988;
   And Charles Aldrich, DOB March 15, 1990.
   The minor children reside with the petitioner.
3. The California Decree ordered the obligor to pay child support in the amount of $266 per month.
4. On December 15, 1998 the parties were served by certified mail with a notice of registration for modification of the California Decree under the Uniform Interstate Family Support Act (UIFSA). The obligor contests the validity of the enforcement of the registered Decree. At the time the decree in the amount of $25,126.73. The respondent relies on a letter dated May 7, 1996 from the Riverside County District Attorney's Office, which letter states in pertinent part that "the balance owed to the Riverside District Attorney's Office has been paid off. Your case has been closed because Laura no longer resides in California. You may still owe child support to her." The Administrative Law Judge/Child Support6 Magistrate is correct in her assertion that the letter merely informs the obligor that the State of California was no longer going to continue to provide support and collection services when the obligee no longer reside in the state. Under the Minnesota UIFSA Statute, the obligor has the burden to show the July 32, 1991 California Decree was vacated, suspended or modified by a later order. The obligor has not produced such an order and has not met his burden of proof. In family court matters, the findings of an Administrative Law Judge/Child Support Magistrate are

to be given the weight and persuasive force as their merits suggest and the properly exercised discretion of a family court judge demands. Peterson v. Peterson, 308 Minn. 297 N.W.2d 88, 94(1976); Berg v. Berg, 309 Minn. 281, 244 N.W.2d 149, 151 (1976).

5. The findings of the Administrative Law Judge/Child Support Magistrate are not clearly erroneous and must be affirmed.

J.H.C.

((stamped)Copies sent by U. S. Mail to)
((written)Wolters Co atty. P. Fr)
((written)L. Nelson OAH Madde)
((stamped)on AUG 17 1999 (s/ac))
((stamped)Reporter/Clerk)

This opinion will be unpublished and
May not be cited except as provided by
Minn. Stat. § 480A.08, subd. 3 (1998)

STATE OF MINNESOTA
IN COURT OF APPEALS
C8-99-1765

In Re the Marriage of:
Laura Lea Aldrich, n/k/a
Laura Lea Nelson,
Petitioner Below,
Ramsey County,
Respondent,

vs.

Charles A. Aldrich,
Appellant.

Filed June 23, 2000
Affirmed
Crippen, Judge
Ramsey County District Court
File No. F4983319

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Lynn A. Wolters, Wolters Law Office, Suite 745, 5001 West 80th Street, Bloomington, MN 55437 (for appellant

Considered and decided by Shumaker, Presiding Judge, Crippen, Judge and Klaphake, Judge.

UNPUBLISHED OPINION

Crippen, Judge

Charles Nelson appeals the denial of his motion to preclude enforcement in Minnesota of the California decree that sets his support obligation to respondent Laura Aldrich. Because

appellant failed to show the presence of a statutory basis for relief, we affirm.

FACTS

The 1991 California judgment dissolving the parties' marriage awarded respondent custody of the parties' children and set appellant's support obligation. By September 1995, both parties had moved to Minnesota. In response to his inquiry, appellant received a letter in May 1996 from a California district attorney. It stated that appellant's case had been closed because respondent no longer lived in California and that although appellant's obligation to the Riverside District Attorney's Office had been "paid off," he might still owe support to respondent. In December 1998, The California decree, along with substantial arrearages, were registered in Minnesota under the Uniform Interstate Family Support Act. An Administrative Law Judge rejected appellant's challenges to validity and enforcement of the support obligation, and the trial court refused to alter that ruling.

DECISION

A party challenging the validity or enforcement of a registered order or seeking to vacate the registration "has the burden of proving one or more" of the statutorily listed defenses. Minn. Stat. § 518C.607(a) (1998). Those defenses include the vacation or modification of the registered order or a full or partial payment of the obligations it establishes. Minn. Stat. § 518C.607 (a)(3), (6) (1998).

1. Citing the letter from the district attorney who was involved in the California child support enforcement proceedings, appellant argues that his obligation is satisfied. As the ALJ and the trial court determined, the letter cannot be reasonably read to say anything other than that (a) appellant's obligation to reimburse the district attorney's office was satisfied; (b) it was possible that he still owed support to respondent; and (c) appellant's case was closed, not because he no longer owed support to respondent, but because respondent no longer lived in California. Because the

does not show that appellant's entire obligation was satisfied, it is insufficient to preclude enforcement of the California decree.

2. Apparently, in fall 1991, after the California decree was entered, a hearing occurred in California, regarding appellant's support obligation. Thus, appellant argues, the dissolution decree should not have been registered because it may have been superseded by the order generated by events at the fall 1991 hearing. Because appellant did not present a copy of the order allegedly produced as a result of the fall 1991 hearing, the record before this court does not show that the dissolution decree has been superceded. See Noltimier v. Noltimier, 280 Minn. 28, 29, 157 N.W.2d 530, 531 (1968) (stating appellant has burden to provide adequate record on appeal).
3. Citing Damico v. Damico, 19 Cal. Rptr. 2d 88, 89-91 (Cal. App. 1993), appellant alleges that his support obligation was suspended or vacated by operation of California law because respondent concealed the children in 1994 when she moved out of California with the children but without providing accurate notice of her destination. For purposes of evaluating appellant's argument, we assume that the Damicoopinion cited by appellant was the controlling law at the relevant time. But see In Re Marriage of Damico, 856 P.2d 1131, 22 Cal. Rptr. 2d 275 (1993) (reversing the opinion cited by appellant), aff'd by In Re Marriage of Damico, 7 Cal. 4th 673, 872 P.2d 126. 29 Cal. Rptr. 2d 787 (1994). The ALJ rejected appellant's allegations that respondent concealed the children, the trial court did not alter that finding, and on the record before us that finding is not clearly erroneous. See Minn. R. Civ. P. 52.01 (Findings of fact not set aside unless clearly erroneous); Vangsness v. Vangsness, 607 N.W.2d 468, 472 (Minn. App. 2000) (stating appellate courts view record in light most

favorable to findings of fact). Therefore, appellant has not met the threshold for relief under Damico.

4. Finally, we note that appellant's arguments to this court incorrectly assume that if he produced adequate evidence of a statutory defense, he is entitled to relief as a matter of law. The statute states that if evidence of a statutory defense is presented, the trial court "may" stay enforcement of the order, continue the proceeding to allow production of additional evidence, or issue an appropriate order. Minn. Stat. § 518C.607(b) (1998). "May" is permissive, not mandatory. Compare Minn. Stat. § 645.44, subd. 15 (1998) ("'[m]ay' is permissive") with Minn. Stat. § 645.44, subd. 16 (1998) ("'[s]hall' is mandatory"). On the record made, the trial court did not abuse its discretion in declining to limit enforcement of the obligation stated in the registered decree.
5. To the extent appellant argues that he is currently unemployed, we note that UIFSA allows modification of foreign support obligations under proper conditions. See Minn. Stat. §§ 518C.609-.614 (1998) (addressing modification of foreign support orders).

Affirmed.

(s/Heidi M.)
(stamped) office of
(stamped) appellate courts
(stamped) SEP 13 2000
(stamped) FILED

STATE OF MINNESOTA
IN SUPREME COURT
C8-99-1765

In Re the Marriage of:
Laura Lea Aldrich, n/k/a
Laura Lea Nelson,

Respondent,

Ramsey County,

Respondent,

vs.
Charles A. Aldrich,

Petitioner.

ORDER

Based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED that the petition of Charles A. Aldrich for further review be, and the same is, denied.

Dated: September 13, 2000

BY THE COURT:
(s/K A Blatz)
Kathleen A. Blatz
Chief Justice